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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/767,458      | 01/23/2001  | Hirotaoka Hosokawa   | F-6847              | 2128             |

7590 08/11/2003  
JORDAN AND HAMBURG LLP  
122 East 42nd Street  
New York, NY 10168

EXAMINER

COBURN, CORBETT B

ART UNIT PAPER NUMBER

3714

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/767,458

Applicant(s)

HOSOKAWA, HIROTAKA

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 8-11, 16-19 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-11, 16-19 & 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 21 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. No English-language abstracts of Japanese Publication Nos. 10-319957 and 2000-011199 appear to be in the file. The citation, without further explanation of the “Decathlete” reference in the Japanese search report does not constitute an explanation of relevance. Clearly, the Japanese Patent Office thought the reference was relevant, but nothing in the search report explains why they thought it relevant.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 8-11, 16-19 & 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Susman (US Patent Number 5,261,041).

**Claims 1, 9 & 17:** Susman teaches a video game device (Col 26, 54) for displaying a play character on a game screen displayed on a monitor (105). Susman teaches an operation member (i.e., mouse – Col 26, 56) for moving the play character from a reference position to a predetermined position in a game space. (Col 26, 54-Col 27, 3) There is a storage unit (104) for storing a first image data group including a predetermined number of frames of image data for displaying a first action relating to the moving action of the play character and a second image data group including a plurality of frames of image data for displaying a second action. (Keyframes, Col 19, 46-60) There is a display

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control unit (101) for reading the first and second image data groups from the storage unit and displaying the action of the play character based on the read frames of image data.

The display control unit is arranged to consecutively display the frames of image data at a constant time interval. (Figs 3 & 4) The controller (101) also acts as a switch control unit for switching the first image data group to the second image data group such that the first action and the second action are smoothly successively displayed without any discontinuity when the play character reaches the predetermined position by repeatedly displaying the first action. (Col 8, 5-42 & Col 19, 46-60) The display control unit is coupled to the operation member and arranged to sequentially display an image corresponding to each of the predetermined number of frames stored in the storage unit when the operation member is not operated – when the image is not being moved, the same image is repeatedly displayed. This is inherent in frame animation techniques. When the operation member is being operated (i.e., when the image is being moved), the display control unit is arranged to generate new image data for a new frame to be created between successive frames stored in the storage unit (i.e., keyframes) by interpolation between the successive frames based on the operation of the operation member and then to display the newly generated image data. (Col 19, 46-60) This is called “inbetweening” and is notoriously well known to the art.

**Claims 2, 10 & 18:** A specified frame of image data of the first image data group (the first keyframe) is to a frame of image data of the second image data relating the specified frame (the second keyframe) when the character reaches the predetermined position. (Col 19, 46-60)

**Claims 3, 11 & 19:** Each keyframe is a single frame. Therefore, the specified frame is inherently the last frame of the first image data group and the frame of the second image data group relating to the specified frame is the first frame thereof.

**Claims 8, 16 & 24:** The moving speed of the play character displayed on the monitor by the first action varies according to the operated amount of the operation member – i.e., the more the player moves the mouse, the farther the object moves on the screen. The unit moved amount of the character by the first action is set at a constant value regardless of the moving speed of the play character and the distance of the predetermined position from the reference position is a multiple of the unit moved amount. (Fig 4)

**Claim 25:** The operation of the operation member is multiplied by a predetermined coefficient set for the game to obtain a delta animation value, the display control unit being arranged to generate the new image data for the new frame to be created between successive frames stored in the storage unit by interpolation between the successive frames based on the delta animation value. (Col 21, 25-28)

**Claims 26, 27 & 28:** Susman describes a slow motion animation in which the number of frames displayed in a predetermined time is reduced. (Col 7, 50-54) The player would necessarily have to operate an operation member (i.e., a slow motion button) in order to put the device into slow motion mode.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-3, 8-11, 16-19 & 24 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| Reference Name  | US Patent Number | Applicability    |
|-----------------|------------------|------------------|
| Hayashi         | 6,203,425        | Animation system |
| Doi et al.      | 6,307,561        | Animation system |
| Nishihata       | 6,462,741        | Animation system |
| Takakura et al. | 6,414,685        | Animation system |

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the

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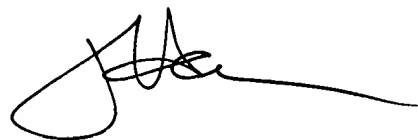
organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

August 6, 2003



JESSICA HARRISON  
PRIMARY EXAMINER